

E-FILED: 10/3/2007

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

v.

SAN JOSE STATE UNIVERSITY,

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL**

Defendant.

[Docket No. 288]

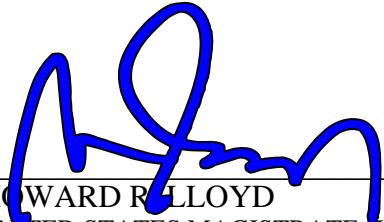
On September 10, 2007, plaintiff filed a document entitled "Motion to Compel, Request for Ruling that Cain-Simon committed fraud." It is not entirely clear what relief plaintiff seeks by this motion. However, he says that, before this court granted his motion to quash, several of his health care providers produced documents in response to defendant's various subpoenas for his medical records. He seems to assert that Cain-Simon "committed fraud" because she failed to advise the court of this fact at the hearing on his motion to quash. Plaintiff also insists that he has not waived all claims concerning his health.

Plaintiff appears to be upset that his health care providers responded to defendant's subpoenas before the court had a chance to rule on his motion to quash. But the court finds no grounds on the record presented to conclude that defense counsel perpetrated a fraud.

Moreover, at the motion hearing on plaintiff's motion to quash, in an effort to convince this court that defendant was not entitled to any discovery of his medical records, plaintiff disclaimed any intent to inject issues concerning his health or medical condition in this lawsuit. He also confirmed that his lawsuits concerned only alleged discrimination based on his age and national origin. As such, the court agreed that defendant's requested discovery was irrelevant. Plaintiff's instant motion to compel is denied.

IT IS SO ORDERED.

Dated: October 3, 2007



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

A copy of this document will be mailed to:

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